

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ABU BARKER EVANS,

Defendant.

3:20-mj-04
CRIMINAL COMPLAINT AND
AFFIDAVIT

ROBBERY

18 U.S.C. §§ 1153 and 2111

I, the undersigned Complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

On or about the 1st day of January, 2020, at Fort Thompson, in Buffalo County, in Indian country, in the District of South Dakota, Abu Barker Evans, an Indian, did by intimidation, take from the person and presence of Kevin Wright and Isaac Charger a thing of value, that is, pre-paid gasoline and United States Currency, and did attempt to do so, in violation of 18 U.S.C. §§ 1153 and 2111.

I further state that this Complaint is based upon the following facts as relayed and reviewed by the Affiant in the investigative report of BIA Officer Johnny Cordell, as well as interviews of witnesses conducted by said officer and agents and others:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI). I have been employed with the FBI since June 2010, and am assigned to the

Minneapolis Division, Pierre, South Dakota. I currently have investigative responsibilities pertaining to major crimes on Indian Reservations, including violent crime and federal offenses.

2. The information in this affidavit is based on my personal knowledge and information provided to me by other law enforcement officers and individuals. The information in this affidavit is provided for the limited purpose of establishing probable cause for a criminal complaint. As this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included every fact known to me concerning this investigation.

3. On or about January 1, 2020, Abu Barker Evans (Evans) was in a van located outside of the front entrance of the Crow Creek C-Store, 1033 Wounded Knee Rd, Fort Thompson, South Dakota. At about 8:44pm a white Jeep SUV driven by Kevin Wright (Kevin) with passengers Isaac Charger (Charger), Tia Wright (Tia), and a child approximately two years of age arrived at the Crow Creek C-Store with the purpose to fuel their vehicle. Kevin and Tia exited their white Jeep SUV, entered the C-Store and prepaid to fuel their vehicle.

4. Evans exited the van and walked to the fuel pump where a white Jeep SUV was parked. Evans stood next to fuel hose and motioned to the driver of the van to pull to the other side of the fuel pump where the white Jeep SUV was parked. Charger, who was in the passenger seat of the white Jeep SUV, spoke with Evans in order to stop him from taking the gasoline. Evans

brandished a weapon that Charger believed to be a pistol. Evans said something similar to "do you want to die over some gas?" Evans returned the weapon that appeared to a pistol to his waistline, removed the fuel hose from the fuel pump receptacle, and moved toward the van, now parked on the opposite side of the same fuel pump.

5. Kevin exited the C-Store, walked towards Evans, and spoke with him about the fuel he had just paid for. Evans again brandished a weapon that was similar to a pistol from his waistline, pointed it in the direction of Kevin, and stated "do you want to die over some gas?" or something similar in nature. Kevin walked away from Evans and stood behind the white Jeep SUV. Evans returned the weapon to his waistline. Evans turned back towards the van with the fuel hose in hand.

6. A group of passengers exited the van and spoke with Evans. A passenger removed the fuel hose from Evan's hand and placed it on the concrete barrier next to the fuel pump. Evans then picked up the fuel hose placed it in the fuel receptacle of the white Jeep SUV. The group of passengers escorted Evans back to the van and drove away.

7. Abu Barker Evans is an enrolled member of the Crow Creek Sioux Tribe, a federally recognized tribe, enrollment number 342U005187, and is 15/32 degree Indian by blood.

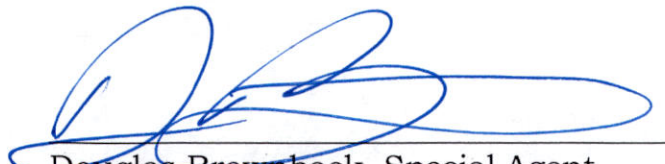
8. Through my training and experience, I know that the location of the Robbery, 1033 Wounded Knee Rd, Fort Thompson, South Dakota, is within the exterior boundaries of the Crow Creek Sioux Indian Reservation and is

Indian country.

9. I believe there is probable cause to establish on or about the 1st day of January, 2020, at Fort Thompson, in Buffalo County, in Indian country, in the District of South Dakota, Abu Barker Evans, an Indian, did by intimidation, take from the person and presence of Kevin Wright and Isaac Charger a thing of value, that is, pre-paid gasoline and United States Currency, and did attempt to do so, in violation of 18 U.S.C. §§ 1153 and 2111.

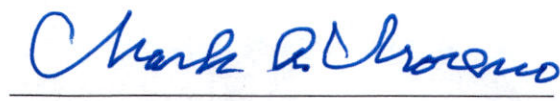
Further your Affiant sayeth not.

Dated this 3rd day of January, 2020.



Douglas Brownback, Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 3rd day of January, 2020.



Mark A. Moreno
U.S. Magistrate Judge

Pentalties:

15 years of custody, a \$250,000 fine, or both; 3 years of supervised release, a violation of any condition of release could result in 2 years additional incarceration on any such revocation; \$100 assessment; restitution.